

Commonwealth of Virginia
Department of Social Services



ONS TRANSMITTAL NUMBER 07-06

Date: November 2, 2007

☐ ACTION ITEM

☒ INFORMATIONAL ITEM

Subject: VDSS Broadcast on Eligibility of Iraqi Aliens for Benefit Programs

To: ONS Resettlement Provider Directors

From: Kathy A. Cooper 
Virginia State Refugee Coordinator
Virginia Office of Newcomer Services

Contact: penny.boyd@dss.virginia.gov or 804-726-7933

Attached for your information is a Virginia Department of Social Services Broadcast that was issued November 2, 2007 to local departments of social services. It must be opened in PDF format. If you are unable to do this, please contact Penny Boyd. She will fax the document to you.

Note: This and all ONS transmittals are posted at <http://www.dss.virginia.gov/family/ons/transmittals.cgi>

BROADCAST4584

DATE: Nov. 2, 2007

TO: Local Departments of Social Services Benefit Programs Staff

FROM: Kathy Cooper, Associate Director, Office of Newcomer Services
Mark Golden, Program Manager, Temporary Assistance for Needy Families
Rose Painter, Program Manager, Food Stamp Program
Stephanie Sivert, Program Manager, Medicaid Program

TIME: 8:54 a.m.

SUBJECT: *Eligibility of Iraqi Aliens for Benefit Programs*

CONTACT: Regional Food Stamp, Medicaid, and Temporary Assistance for Needy Families (TANF) Consultants or Penny Boyd at (804) 726-7933 or penny.boyd@dss.virginia.gov

This broadcast provides information about the immigration status of Iraqi nationals currently arriving in Virginia and their eligibility for Food Stamps, Medicaid, TANF, Refugee Cash Assistance, and Refugee Medical Assistance.

Background: The federal government is resettling in the U.S (i) Iraqis who have fled Iraq and may be eligible for refugee status and (ii) Iraqis who are ineligible for refugee status but whose lives are in danger due to the assistance they provided to U.S. government and news organizations. These two groups have different immigration statuses upon arrival in the U.S. Virginia has received no specific information about the number of Iraqis in either group coming to Virginia; however, some local departments of social services have received applications for benefits from both groups. Legislation pending in Congress would offer special benefits to Iraqis in both groups regardless of their immigration status. *Until such legislation is passed or Virginia receives guidance from federal regulatory agencies on Iraqi aliens' eligibility for services, existing eligibility rules apply to Iraqi nationals who apply for benefit programs.*

Iraqi Nationals' Eligibility for Benefit Programs: The immigration status of any individual applying for benefits must be evaluated according to the policies contained in the Food Stamps, Medicaid, TANF, and Refugee Resettlement program manuals. The Office of Newcomer Services (ONS) is aware of four immigration statuses that are currently being given to Iraqis admitted to the U.S.: refugee, parolee, conditional refugees, and certain visa holders.

1. Iraqi Refugees (Section 207 of the Immigration and Naturalization Act) -- These are qualified aliens who, if they meet all other all other eligibility requirements including covered group, are immediately eligible for Food Stamps, Medicaid, TANF, Refugee Cash Assistance, and Refugee Medical Assistance.

2. Iraqi Parolees [typically humanitarian under 8 U.S.C. 1182(d)(5) section 212(d)(5), but also may be under another type of parolee status] These are qualified aliens if paroled into the U.S. for a least one year; however, they may not be eligible for benefit programs.

- *Food Stamps* They are eligible immediately only if under 18 years of age, disabled as evidenced by the receipt of an income source such as Supplemental Security Income, or have a connection to active duty or retired military personnel.
- *Medicaid* They are not eligible for full benefits. They are eligible for emergency services. Children under age 19 who are in this status are grandfathered aliens and eligible for full Medicaid immediately.
- *TANF* Ineligible for TANF for 1st five years after arrival; eligible after five years unless connected to a Veteran group.
- *Refugee Cash Assistance and Refugee Medical Assistance* They are ineligible.

3. Iraqi Conditional Entrants [Section 203(A) (7), a rarely seen status more common before 1980]

- Same as # 2 above

4. Iraqi/Afghani Translator Visa with a passport stamp indicating permanent resident status (These are rare as there were only 50 issued in prior years and 500 are approved to be issued in 2007 and 2008.)

- *Food Stamps* The individual must meet the 40 hour work quarter standard to be eligible.
- *Medicaid* Individuals in the U.S. on visas generally do not meet the Virginia residency requirement for Medicaid. If they do meet the residency requirement, they are generally emergency services only aliens.
- *TANF* Ineligible
- *Refugee Cash Assistance and Refugee Medical Assistance* Ineligible

Iraqis granted asylum under Section 208 of the Immigration and Naturalization Act are eligible for public benefits immediately upon receiving asylee status.

Individuals who have received Emergency Medicaid services, including pregnancy-related labor and delivery services, may be eligible for limited Medicaid benefits. Children may be eligible for Medicaid even if their parents are not, and adults may be eligible for State and Local Hospitalization, which has different alien status requirements.

Application for Benefit Programs: Iraqis in any immigration status category may apply for public benefits. The individual must be given the opportunity to submit an application and determination of eligibility must be made regardless of the Iraqi's immigration status. It is important to take the application for several reasons. First, a true determination of eligibility cannot be made without the information provided on an application. Second, the applicant has the right to appeal the denial of benefits and cannot do so without a denial of assistance issued by the agency. Third, should Congress or a federal regulatory agency issue guidance that allows

benefits for these individuals, the state will have a means of identifying Iraqis who have applied, but been denied assistance.

Should you have questions about any information contained in this broadcast or need assistance with evaluating the immigration status of an Iraqi immigrant, please contact a regional benefit program consultant or Penny Boyd.